

DISCIPLINARY SCHEME

Effective from xx April 2027

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Article 1: General

Article 1.1: Objective

The Disciplinary Scheme ("Scheme") is a Standard as defined in the Constitution. Issuance of this Scheme is in line with the Singapore Actuarial Society's ("the Society") objective to set and uphold high professional standards amongst members as stipulated in the Constitution.

This Scheme sets out the rules and procedures for the handling of Complaints, and the consideration of Disciplinary Action to be taken against Members. This Scheme is supported by guidance materials relating to its practical operational issues.

Article 1.2: Cross-References

When this Scheme refers to the content of another document, the reference relates to the referenced document as it is currently effective.

Where the referenced document has been amended, restated, revoked, or replaced after the adoption date of this Scheme:

- Where an amendment to the Constitution results in any provision of this Scheme being inconsistent with the Constitution, the Constitution shall prevail to the extent of the inconsistency. The inconsistent provision of this Scheme shall not apply to that extent. Council shall procure an amendment to this Scheme in accordance with the procedure prescribed by the Constitution as soon as reasonably practicable.
- In the case where the reference document ranks *pari passu* to the Scheme, provisions in this Scheme shall prevail for any matter related to the process to determine Misconduct and the consequence of Misconduct.

Article 1.3 Effective Date

This Scheme is effective for any Complaint received on or after xx April 2027, irrespective of when the alleged Misconduct occurred.

Article 2: Overview of the Scheme

This Scheme operates in four stages, which are the Complaint Stage, Investigation Stage, Tribunal Stage and Appeal Stage.

- Complaint Stage: At the Complaint Stage, a Complaint alleging Misconduct against a Member is lodged with the Society. This Complaint is referred to the Council for a preliminary assessment. Depending on the outcome of that assessment, the Complaint may either be dismissed or be referred to an Investigation Committee for investigation.
- Investigation Stage: At the Investigation Stage, the Investigation Committee can seek information from the Complainant, the Respondent (being the Member against whom the Complaint has been made) and any other parties the Investigation Committee regards as relevant. The Investigation Committee reports its findings to the Council on whether the Investigation Committee finds there is a case to answer before a Tribunal. The Council, after considering the Investigation Committee's findings, may decide whether or not to refer the Complaint to the Tribunal for determination. If the Council does not refer the Complaint to a Tribunal, it shall notify the Complainant accordingly.
- Tribunal Stage: At the Tribunal Stage, a Tribunal is established specifically to deal with the Complaint. The Tribunal is formed by the appointment of three people in accordance with Article 5.3. The Council appoints

the members of each Tribunal. If a Tribunal determines the Misconduct the subject of the Complaint has been substantiated, it may order Disciplinary Action against the Member. This Disciplinary Action may be a letter of warning or concern at one end of the spectrum and, at the other end of the spectrum, expulsion.

- Appeal Stage: The Appeal Stage exists to enable a person who has grounds for an appeal, in respect of the determination or order of the Tribunal, to lodge an appeal. An Appeal Board shall be established to consider an appeal that has been lodged against a Tribunal determination or order. The Appeal Board is formed by the appointment of three people in accordance with Article 5.4. The Council appoints the members of each Appeal Board. An Appeal Board shall hold its own hearings. The Appeal Board may affirm or amend any determination or order of the Tribunal.

In the interests of informing the public and the profession, decisions about Complaints that go to a Tribunal or an Appeal Board shall be made public on the Society's website. The relevant Tribunal or Appeal Board shall determine the form and content of the Case Publication, including whether the Respondent is to be named or to remain anonymous in the publication. In exceptional circumstances (such as to comply with applicable law), the Tribunal or the Appeal Board may determine that publication should be withheld where it considers the withholding to be necessary and appropriate.

While this Scheme does not constitute a formal judicial process and the rules of evidence do not apply, it is the intention of the Society that all matters shall be dealt with in accordance with the principles of natural justice, procedural fairness, and to the civil standard of proof being on the balance of probabilities.

This Scheme and information regarding the Complaints process shall be readily available to the public, including by way of publication on the Society's website.

Article 3: Interpretation

Words and terminology used in this Scheme are to be given their ordinary meaning and should be defined by reference to other applicable instruments or documents of the Society (such as the Constitution).

Unless otherwise indicated by express words or the context otherwise requires:

- "Charge" means the formal allegation or allegations of Misconduct referred to a Tribunal for determination under Article 8.3.
- "Complainant" means a person (irrespective of whether that person is a Member or not) who lodges a Complaint in accordance with this Scheme.
- "Complaint" means a statement in writing containing an allegation or representation to the effect that a Member has or may have engaged in Misconduct.
- "Constitution" means the Constitution of the Society.
- "Disciplinary Action" means potential orders, actions or penalties that may be implemented.
- "Member" means a member of the Society.
- "Misconduct" is defined in Article 4.
- "Respondent" means a Member against whom a Complaint has been made, including any former Member within the scope described in Article 13.6.

Article 4: Misconduct

A Member may be subject to Disciplinary Action under this Scheme if the Member has engaged in Misconduct.

Misconduct is defined as any breach of the Standard of Professional Conduct that the Society issues pursuant to the Constitution.

A Member may be found to have engaged in Misconduct due to any act or omission, or series of acts or omissions that occur in any location during the time when the Respondent is a Member even if the Respondent was no longer a Member at the time the Complaint(s) was (were) made.

Whether an act or omission constitutes Misconduct shall be determined by reference to the Standard of Professional Conduct in force at the time of the relevant act or omission.

Misconduct does not include any act or omission, or series of acts or omissions, that a Member has previously and fully disclosed in writing to the Society before the Member was admitted to membership.

Article 5: Investigation Committee, Tribunal and Appeal Board

Article 5.1: Investigation Committee

For the purposes of determining a Complaint, an Investigation Committee shall be appointed by the Council for that Complaint. The Investigation Committee shall include at least three Members. Only Members who are of the Fellow, Associate or Retired class are eligible for appointment.

Members of the Council are eligible for appointment to the Investigation Committee.

The Council shall appoint one of the members of the Investigation Committee to be Chair of that Committee.

Any member of an Investigation Committee may resign from their position by written notice to the Council and may be removed or replaced at the discretion of the Council.

Any vacancy in the membership of the Investigation Committee shall be filled by determination of the Council.

Article 5.2: Tribunal and Appeal Board Panel

The Council shall seek to maintain a Tribunal and Appeal Board Panel from which persons can be drawn from to form Tribunals and Appeal Boards when needs arise. The Council should target to maintain a Panel of at least seven persons, or such greater number as the Council may determine from time to time. In appointing persons to the Panel, the Council should take into account the following:

- The Panel should have adequate number of persons who are not Members of the Society given the need for a majority of non-Members in each Tribunal and Appeal Board.
- Amongst non-Members on the Panel, there should be adequate number of legal professionals who have been called to the Bar.
- For appointment of Members, only Members who are of the Fellow, Associate or Retired class are eligible for appointment to the Panel.

Any person on the Panel may resign from their position by written notice to the Council and may be removed or replaced at the discretion of the Council.

Any person on the Panel may be appointed to one or more Tribunal and/or Appeal Board concurrently, but not to the Tribunal and Appeal Board appointed to determine on the same Complaint.

In the event there is insufficient number of persons on the Panel available to constitute a Tribunal or Appeal Board (as a result of conflict of interest or otherwise), the Council shall appoint additional persons to the Panel.

Article 5.3: Tribunal

For the purposes of determining a Charge, a Tribunal shall be appointed by the Council for that Charge. The Tribunal shall consist of three persons drawn from the Tribunal and Appeal Board Panel, and shall include:

- A majority of persons who are not Members of the Society;
- At least one legal professional who has been called to the Bar and is not a Member of the Society; and
- At least one actuary who may or may not be a Member of the Society.

Members of the Council and members of the Investigation Committee for the Complaint in question are not eligible for appointment to the Tribunal determining a Charge related to that Complaint.

The Council shall appoint one of the members of the Tribunal to be Chair of that Tribunal.

Any member of a Tribunal may resign from their position by written notice to the Council and may be removed or replaced at the discretion of the Council.

Any vacancy in the membership of the Tribunal shall be filled by determination of the Council.

Article 5.4: Appeal Board

For the purposes of determining an appeal, an Appeal Board shall be appointed by the Council for that appeal. The Appeal Board shall consist of three persons drawn from the Tribunal and Appeal Board Panel, and shall include:

- A majority of persons who are not Members of the Society;
- At least one legal professional who has been called to the Bar and is not a Member of the Society; and
- At least one actuary who may or may not be a Member of the Society.

Members of the Council, members of the Investigation Committee for the Complaint in question, and members of the Tribunal whose determination is being appealed against, are not eligible for appointment to the Appeal Board.

The Council shall appoint one of the members of the Appeal Board who is a legal professional to be Chair of that Appeal Board.

Any member of an Appeal Board may resign from their position by written notice to the Council and may be removed or replaced at the discretion of the Council.

Any vacancy in the membership of the Appeal Board shall be filled by determination of the Council.

Article 5.5: Operational Rules

The Chair of each of Tribunal and Appeal Board shall have responsibility for the operation of their respective roles in the Scheme.

Any Chair of each of Tribunal and Appeal Board shall establish the operational rules at the start of its proceedings which shall cover, amongst other things:

- Rules on collection and admission of evidence;
- Time limit on any party to the proceedings to respond to call for evidence;
- Rules governing interviews of parties;
- Rules governing confidentiality; and
- Rules preventing abuse of process, undue delay or obstruction of proceedings.

Operational rules shall be made known to the Complainant and Respondent before their involvements in the Tribunal and Appeal Board processes.

Operational rules are valid to the extent that they are consistent with the terms of this Scheme.

A Tribunal or Appeal Board may seek additional legal support when establishing operational rules. It may also use or make adaptations to operational rules established for past Tribunals and Appeal Boards.

Article 5.6: Documentation Related to Appointments

The Council shall document its rationale for all decisions related to new and changes to appointments of persons to an Investigation Committee, the Tribunal and Appeal Board Panel, a Tribunal and an Appeal Board. The documentation shall cover, at the minimum:

- The appropriateness of an appointee's experience and training in the appointee's field of expertise.
- The appropriateness of an appointee's standing in the public and the appointee's own profession.
- For appointment to a specific Complaint, Charge or appeal:
 - The appropriateness of an appointee's experience and training to the case in question. The assessment shall be made both by considering the appointee in isolation, and the appointee's role in the Investigation Committee, Tribunal and Appeal Board given the other appointees in the same body.
 - Assessment of conflict of interest.
 - Compliance with requirements in this Scheme.

Article 5.7: General Provisions

Pursuant to the Council's power of delegation under the Constitution, the powers to determine Misconduct and impose Disciplinary Action under this Scheme are delegated to the Tribunal and Appeal Board as provided herein. The Council shall not be required or entitled to reconsider the merits of the determination or order from the Tribunal or Appeal Board.

If, by reason of illness or absence for any other reason, a member of an Investigation Committee, a Tribunal or an Appeal Board is unable to serve in that respective capacity at any time, another person eligible to hold that position may be appointed to act in that capacity by the Council.

On the terms of appointments:

- An appointment to the Tribunal and Appeal Board Panel does not have a fixed term. The appointment continues until it is terminated by Council or until the person appointed withdraws from the Panel.
- Appointments to the Investigation Committee for a Complaint generally ends when Council completes its deliberation on the Committee's findings on the Complaint; but may be extended as necessary to support the proceedings of a related Tribunal or Appeal Board.
- Appointments to the Tribunal for a Charge generally ends when the Tribunal has submitted its report on the Charge to Council; but may be extended as necessary to support the proceedings of a related Appeal Board.
- Appointments to the Appeal Board for an appeal ends when the Appeal Board has submitted its report on the appeal to Council.

Concerning participation in determinations:

- All persons appointed to an Investigation Committee shall participate in its findings and recommendations.
- All persons appointed to a Tribunal or Appeal Board shall participate in hearings on the merits, substantive deliberations, and determinations concerning the merits of a Charge or appeal and any Disciplinary Action.

- Individual members may undertake preparatory activities, including reviewing documents and evidence, without the participation of the other members.

On voting:

- Each member of an Investigation Committee, a Tribunal or an Appeal Board shall have one vote.
- Abstention for any reason is not allowed.
- A determination substantiating a Complaint may only be made with the majority of votes from members of a Tribunal or Appeal Board.
- In the event that the determinations is not unanimous, dissenting views shall be documented.

No member of an Investigation Committee, Tribunal or Appeal Board shall be personally liable for any act or omission done in good faith in the exercise, or purported exercise, of their functions or powers under this Scheme. The Society shall indemnify each such person against liabilities, claims, proceedings, costs and expenses reasonably incurred arising from the exercise of their functions or powers under this Scheme, provided that the person acted in good faith and without fraud, dishonesty or wilful misconduct

Subject to the approval and authorisation of Council, the Chair of an Investigation Committee, the Chair of a Tribunal or the Chair of an Appeal Board may engage external specialists or experts – including but not limited to legal representation and expert actuarial opinions – to obtain advice and assistance in relation to the discharge of functions under this Scheme or otherwise arising in connection with this Scheme. Approvals are, by default, considered appropriate for the following activities:

- Engaging legal support to assist Investigation Committee in formulating its findings.
- Engaging legal support to draft Charges for the Tribunal Stage.
- Engaging legal support to establish operational rules for a Tribunal or an Appeal Board when no such rules have been established under the Scheme.
- Engaging legal support to modify and adapt operational rules for a Tribunal or an Appeal Board when such rules have been established under the Scheme for other Charges and appeals.
- Engaging actuarial and legal support where a Charge or an appeal deals with legal or regulatory matters outside of Singapore.

Procurement of such services are subjected to the Society's prevailing budgetary and financial control policies.

The Council may approve and authorise payment to any member of an Investigation Committee, a Tribunal or an Appeal Board, or other person for services provided in relation to this Scheme.

Any decision or finding of a court, tribunal, regulatory body or professional association – either available in the public domain or obtained directly from the originating body – relating to a Complaint, a Charge or a Respondent may be considered and given weight by the Investigation Committee, Tribunal or Appeal Board as part of any process implemented in accordance with this Scheme.

Article 6: Conflict of Interest

Any Council member or any person appointed to an Investigation Committee, a Tribunal or an Appeal Board must not participate or be present during any discussion about a Complaint or during a Charge hearing or appeal in respect of which they have, or would reasonably be perceived to have, a conflict of interest, except in the capacity of a Respondent or a witness.

In the event a member of Investigation Committee, Tribunal and Appeal Board becomes aware of grounds that may warrant their removal or the removal of another member of such a body under this Scheme (whether from conflict of interest or otherwise), these potential circumstances shall be reported to the Council. The Council shall have the requisite

power to determine any such alleged issue in its discretion and make any necessary adjustment to the composition of the relevant body, in accordance with this Scheme.

A party to proceedings before a Tribunal or an Appeal Board shall be notified by the Chair of the Tribunal or the Chair of the Appeal Board, respectively, of the composition of the relevant Tribunal or Appeal Board. A party may request the replacement of a member of the Tribunal or the Appeal Board on the grounds of a conflict of interest between the said member and a party. Any party making such request shall do so promptly after receiving notification of the composition of the Tribunal or Appeal Board. Any such request shall be determined by the Council who has the requisite power to determine the alleged conflict in its discretion and make any necessary adjustment to the composition of the relevant body, in accordance with this Scheme.

Where a member of a Tribunal or Appeal Board is replaced after proceedings have commenced, the proceedings shall not be required to recommence solely because of that replacement. The replacement member shall review the relevant records, evidence and submissions from the proceedings conducted before their appointment. The Tribunal or Appeal Board may repeat any part of the proceedings, including the hearing of any evidence, where it considers this necessary for a fair determination. Any decision or determination made before the replacement shall remain valid unless the reconstituted Tribunal or Appeal Board determines that it should be reconsidered in the interests of fairness.

All references in this Scheme to Council's powers related to a specific Complaint, Charge or appeal are powers that only Council members who has no conflict with the case may exercise. Where, due to conflicts of interest, the remaining unconflicted Council members are insufficient to constitute the quorum required under the Constitution to exercise Council's functions or powers in relation to a specific Complaint, Charge or appeal, and the situation remains unresolved 12 months after it first arises, the Society shall inform its membership of the situation at a General Meeting. Council is not prevented from being aware of a Complaint if the purpose is solely for the initiation of the General Meeting. The membership shall determine who shall be appointed to exercise Council's functions and powers under this Scheme in relation to that Complaint, Charge or appeal. Any person so appointed shall not serve on the Investigation Committee, Tribunal or Appeal Board in relation to the same Complaint, Charge or appeal.

Article 7: The Complaint Stage

Any person (whether a Member or not a Member) may lodge a Complaint. More specifically:

- Being a member of the Council, or holding any role in any body within the Society does not preclude such a person from lodging a Complaint in accordance with this Scheme.
- The Complaint may be made not only by an aggrieved party but also by any concerned person.

Any Complaint against any Member shall be made in writing to the Council accompanied by a Statutory Declaration. Any Complaint without a Statutory Declaration shall not be moved to the Investigation Stage.

The Council shall designate and make public the channel through which all Complaints must be lodged, and such channel may include the Society's secretariat or an independent external party that Council may engage to perform this function. When the designated channel receives a Complaint, it shall conduct preliminary assessment to determine which Council member, if any, has prima facie conflict of interest related to the Complaint. The designated channel shall only transmit the Complaint to those members of Council who the designated channel assessed to have no prima facie conflict of interest, and shall provide Council members receiving the Complaint with the channel's assessment about prima facie conflict of interest.

As soon as reasonably practicable after receiving a Complaint, the Council shall conduct a preliminary assessment of the Complaint and, based on the available information, decide as to whether the Complaint should be the subject of investigation by an Investigation Committee.

If the preliminary assessment by the Council is that the Complaint is outside of its jurisdiction or it does not give rise to a reasonable basis for investigation (including, but not limited to a conclusion by the Council that the Complaint is spurious,

vexatious, frivolous or contains unsupportable allegations or relates to conduct or matters that fall outside of the Scheme's remit), the Council may dismiss the Complaint. If the decision is made to dismiss the Complaint, the Council shall inform the Complainant of these circumstances in writing with reasons being provided regarding this decision. The Respondent need not be made aware of the existence of the Complaint.

If the preliminary assessment by the Council is that the Complaint is within jurisdiction and there is a reasonable basis for investigation, then the Council shall refer the Complaint to an Investigation Committee to investigate the Complaint in accordance with Article 8.

Article 8: The Investigation Stage

Article 8.1: Powers of the Investigation Committee

An Investigation Committee may seek and receive any information from a Complainant, a Respondent, a Member, the Council or any other party as it thinks appropriate and necessary for the conduct of the investigation into a Complaint being undertaken by the Committee.

The Investigation Committee shall have the power:

- to request the production of originals or copies of any documents relevant to the investigation from any Member (whether or not such Member is the subject of the investigation);
- to request any further information from any Member relating to the subject matter of the investigation;
 - to conduct interviews, request responses to questions or otherwise request any Member to appear before the Investigation Committee to give evidence as to any matter relevant to the investigation; and
 - subject to the consent of the Council, to engage external specialists or experts (for example, legal representation) to obtain advice and assistance in relation to any issue relevant to the investigation.

A Respondent or any Member involved in or requested to participate in the conduct of an investigation pursuant to this Scheme is required to apply their best endeavours to comply with any reasonable request or exercise of power by the Investigation Committee. Failure to comply shall be deemed to be a Misconduct by the Respondent, if still a Member at the time of the request, or the Member. If a Respondent fails to comply and the Tribunal makes a determination in the absence of the information requested, the absence of information in itself shall not be accepted as a ground for an appeal of the determination.

If a Member hinders, misleads or obstructs an Investigation Committee in performing or exercising any functions under this Scheme, this may be considered Misconduct by that Member warranting Disciplinary Action.

Any Member may decline the Investigation Committee's request for information or to participate in the investigation if doing so may cause the Member to breach the Standard of Professional Conduct, especially provisions related to the Member's duty to maintain confidentiality and to comply with applicable laws.

An Investigation Committee may refer potential issues or questions which were not included in the Complaint but relate to a Respondent to the Council. If the issues or questions referred to the Council relate to potential Misconduct:

- the Council may direct the Investigation Committee to investigate or deal with the issues or questions as part of its existing investigation; or
- the Council may treat the case as a separate Complaint if Council sees the matter is within jurisdiction and there is a reasonable basis for investigation, and initiate a separate investigation for such new Complaint. For this type of Complaints:
 - No Statutory Declaration is required.
 - No person will be required to act as the Complainant for the purpose of this Scheme.

Article 8.2: Rights of the Respondent

A Respondent has no rights to be made aware of the Complaint unless when Council determines – after taking into account the Investigation Committee's findings – that the Complaint should be moved to the Tribunal Stage. If the Investigation Committee's findings are arrived at without interviewing the Respondent, then, before any Complaint is moved to the Tribunal Stage, the Respondent is entitled:

- to be informed of the substance of the Complaint and be given sufficient particulars to understand the case;
- to be provided an opportunity to be interviewed by the Investigation Committee; and
- to be provided an opportunity to lodge any documents or submissions as the Respondent considers relevant to the investigation within a reasonable time after being notified.

The Investigation Committee may choose to confirm or amend its original findings presented to the Council, before Council confirms its decision on whether to move the Complaint to the Tribunal Stage.

A Respondent does not have a right to participate in investigative processes of the Investigation Committee directed to or involving other persons (for example, a Respondent is not entitled to attend any interview of another Member or a party conducted by the Committee in relation to the Complaint).

Article 8.3: Investigation Committee Findings

An Investigation Committee – acting by a majority of all persons appointed to that Committee – shall report its findings in writing to the Council as to whether or not there is a case to answer before a Tribunal. An Investigation Committee's written report to Council shall include, at the minimum:

- a summary of the information relied upon;
- a brief analysis of the information relied upon and reasons for the findings;
- a clear statement as to the factual circumstances and findings of the Committee.

Views of the Committee's members need not be unanimous, and the report should document dissenting views within the Committee. An Investigation Committee will not make any comments or recommendations as to whether or not any potential orders for Disciplinary Action should be contemplated.

Council shall consider the Investigation Committee's findings and may decide to:

- dismiss the Complaint; or
- move the Complaint to the Tribunal Stage and establish a Tribunal for hearing.

If the Council dismisses the Complaint, the Council shall inform the Complainant of the assessment and invite the Complainant to provide any further written submission, accompanied by Statutory Declaration, in support of the Complaint. The Complainant shall have 30 days from receiving notice from the to provide any such written submission.

Upon receipt of any further written submissions, the Investigation Committee shall consider whether this information alters the Committee's assessment of the Complaint. The Council shall consider the Investigation Committee's latest assessment and the Council may:

- reaffirm its decision to dismiss the Complaint and inform Complainant in writing; or
- amend its decision and move the Complaint to the Tribunal Stage and establish a Tribunal for hearing.

Before moving a Complaint to the Tribunal Stage, the Council shall cause a formal Charge to be prepared for determination by the Tribunal. Council may engage legal support and other appropriate support when developing the Charge. The Charge may amend or particularise the Complaint to take into account the findings of the Investigation Committee, reflect

the matters within the scope of its investigation, and ensure that the allegations to be determined by the Tribunal are stated clearly and accurately. The Charge shall not include a material allegation of Misconduct that was outside the scope of the Investigation Committee's investigation.

The Respondent shall be presented the Charge before the commencement of the Tribunal Stage.

Article 9: The Tribunal Stage

Article 9.1: Hearings

After the Council appoints a Tribunal to determine a Charge pursuant to Article 5, a hearing before a Tribunal shall be convened by the Chair of the Tribunal for this purpose.

Before commencing proceedings, the Tribunal shall ensure that the necessary operational rules are in place and communicated to the Complainant and Respondent.

At least 30 days' notice of any hearing of the Tribunal shall be given to the Respondent, and the Complainant. Where the Respondent, having been given reasonable notice of a hearing, fails or refuses to attend or otherwise participate in the hearing, the Tribunal may proceed with the hearing and determine the Charge. The Respondent's failure or refusal to attend or participate shall not, of itself, constitute evidence that the Charge is substantiated.

A Tribunal shall conduct the hearing in any manner as it sees fit having regard to natural justice and the wellbeing of the parties involved. No person shall be required to prosecute or present a case against the Respondent. The Tribunal shall consider the Charge, evidence and other materials available to it, and any further information it may seek as it considers necessary to determine the Charge fairly.

A party to a hearing before a Tribunal may request and may be granted permission to appear in person or by telephone, video conference or other electronic means. Any party based outside of Singapore shall not be required to appear in person.

A copy of the Investigation Committee's report, and the information that the Investigation Committee relied upon in its report, shall be made available to the Tribunal and the Respondent. In addition, the Tribunal may call upon a representative of the Investigation Committee to be a party to the proceedings before the Tribunal.

A Tribunal may bring together any of the following persons to be parties to the proceedings before the Tribunal:

- the Complainant;
- the Respondent; and
- other interested parties, including but not limited to any regulatory body or relevant professional association.

Subject to any directions or rules of the Tribunal to the contrary, parties to hearings before a Tribunal shall be entitled to:

- present evidence and information;
- call and question witnesses (excluding the Investigation Committee, a Tribunal, an Appeal Board and/or the relevant members of these bodies); and
- make submissions (written or oral).

In the absence of a direction by the Tribunal to the contrary, each party to a hearing before a Tribunal must give to the Chair of the Tribunal any documents upon which they intend to rely by no later than 14 days before the scheduled commencement of the hearing.

On the application of any party or on its own initiative, a Tribunal may require the disclosure of documents (or parts thereof) by one party to another if the Tribunal considers this appropriate and in the interests of fairness. However, the Tribunal shall not require the production of any document which is privileged.

If a party challenges the authenticity of any document or otherwise objects to any information put to a Tribunal, the Tribunal shall consider and rule on the issue raised and may give the information such weight as it thinks fit.

In a hearing before a Tribunal, the Tribunal may consider and give weight to any decision or finding of another court, tribunal, regulatory body, or professional association.

A Tribunal may, at any time before or during a hearing, direct that a Charge be amended, provided that:

- the Tribunal is satisfied the Respondent will not be substantially prejudiced in the conduct of their defence by the making of such an amendment; and
- the Tribunal shall, if so requested by the Respondent, adjourn the proceedings or hearing for such time as is reasonably necessary to enable the Respondent to consider and respond to the Charge in its amended form.

A Tribunal may, acting on its own motion or upon the application of any party to hearings before the Tribunal:

- adjourn the hearing at any time upon such terms as the Tribunal sees fit; and/or
- seek to inform itself by obtaining whatever additional evidence deemed relevant to its consideration of the matter.

A Respondent may make an admission of Misconduct at or prior to a hearing before a Tribunal. Such admission prior to a hearing shall be made in writing by the Respondent to the Chair of the Tribunal.

Article 9.2: Determinations and Orders of a Tribunal

A Tribunal shall make a determination regarding the Charge, on the balance of probabilities and by the majority of votes by members, as to whether or not the Respondent has engaged in Misconduct.

The Tribunal may order one of the following forms of Disciplinary Action as appropriate to respond to the subject Misconduct:

- a written warning or letter of concern directed to the Respondent;
- a deprecation or reprimand for the Misconduct of the Respondent;
- suspension from membership with the Society for such a period as the Tribunal will specify; or
- expulsion as a Member.

The Tribunal may also order the Respondent to make a contribution to the costs of the proceedings including (but not limited to) an order for the Respondent to make such contribution to part or whole of the Society's or the Complainant's costs of the proceedings.

If a Tribunal makes orders in the form of suspension or expulsion of a Member, then:

- if a notice of appeal is lodged, the imposition of the order shall be stayed until that appeal is finalised;
- if a notice of appeal is not lodged, the imposition of the order shall take effect from the expiration of the period within which a notice of appeal must be lodged (unless the Tribunal issues an interim suspension order).

Unless a notice of appeal is lodged, any costs ordered to be paid by the Respondent shall be paid within 30 days of the receipt of the Tribunal's determination and order by the Respondent. If the Respondent does not pay the costs ordered in such time, the Respondent may be declared by the Chair of the Tribunal to be a defaulter and after being so declared shall cease to be a Member (but may be reinstated upon such terms and conditions as the Council determines).

Any determination or order of a Tribunal on any of the above matters shall be made by a majority of persons appointed to the Tribunal; and the Tribunal's written report should document dissenting views within the Tribunal.

Any determination or order of a Tribunal shall be contained in a written report and include:

- a summary of the information relied upon;
- a brief analysis of the information relied upon and reasons for the determination;

- a clear statement as to the factual findings, determination and any orders of the Tribunal; and,
- the material to be published in relation to the case, being the Case Publication.

Article 9.3: Communication of Tribunal Determinations and Orders

A Tribunal shall communicate its determination and orders in any proceedings to the Council by providing a copy of its written report pursuant to Article 10.2 signed by the Chair of the Tribunal.

The Tribunal shall provide the Respondent with its written determination and orders, including the reasons for its determination, as soon as reasonably practicable after the determination is made.

Subject to Article 13 of this Scheme, the Case Publication may be made publicly available (including but not limited to being published on the Society's website) unless the Tribunal considers some other form of communication as more appropriate. Alternatives may include an anonymised case study or such similar publication. Where the Respondent is named in the Case Publication, the Respondent shall be provided with a copy of the Case Publication before the date of publishing. Where a Charge is not substantiated, any Case Publication related to the Charge shall not identify the Respondent.

Case Publication related to a Tribunal's determination shall be made as soon as practicable once it is confirmed that the Respondent has no intention to appeal. If the Respondent appeals the Tribunal's determination, the Tribunal's Case Publication will only be published if the Respondent subsequently drops the appeal.

Article 10: The Appeal Stage

Article 10.1: Making an Appeal

The Respondent may appeal against a determination or order made by a Tribunal by lodging a notice of appeal.

An intention of appeal shall be provided in writing to the Council, with a copy being provided to the Chair of the Tribunal, no later than 30 days after the Tribunal's written report of determination has been issued. A complete written notice of appeal shall be provided to the Council and the Chair of the Tribunal no later than 90 days after the Tribunal's written report of determination has been issued. Failure to file the complete written notice of appeal shall be deemed to be a withdrawal of the appeal.

In the notice of appeal, the Respondent shall state the grounds for the appeal directly relating to a determination or order of the Tribunal. The grounds for an appeal may include but are not limited to:

- inculpatory or exculpatory evidence or facts;
- an error of process, procedural fairness, or natural justice by the Tribunal;
- an error in the considerations or reasons provided by the Tribunal; or
- the orders being demonstrably unfair, unreasonable, or excessive.

The grounds for an appeal do not include dissatisfaction with a determination or an order of the Tribunal.

Where an appeal relies upon evidence that was not before the Tribunal, the notice of appeal must identify that evidence and explain why it was not reasonably available or could not reasonably have been presented to the Tribunal.

The Respondent making the appeal may make an application in writing to the Appeal Board to amend the appeal. The Appeal Board has full discretion to consider and permit any amendment to an appeal from the applicant.

Article 10.2: Hearings

After the Council appoints an Appeal Board for an appeal pursuant to Article 5, a hearing before an Appeal Board shall be convened by the Chair of the Appeal Board to determine the appeal.

Before commencing proceedings, the Appeal shall ensure that the necessary operational rules are in place and communicated to the Complainant and Respondent.

At least 30 days' notice shall be given to the Respondent and any other party to the proceedings of any hearing listed before an Appeal Board. Where the Respondent, having been given reasonable notice of a hearing, fails or refuses to attend or otherwise participate in the hearing, the Appeal Board may proceed with the hearing and determine the appeal. The Respondent's failure or refusal to attend or participate shall not, of itself, constitute evidence that the Charge is substantiated.

In advance of any hearing before an Appeal Board and subject to any directions to the contrary by the Chair of the Appeal Board, the Respondent, and any other party to the proceedings, shall receive copies of:

- the notice of appeal;
- the determination, orders and written report of the Tribunal; and
- upon request, any transcript of the hearing before the Tribunal as well as any documentary evidence or written submission that was put before and considered by the Tribunal.

An Appeal Board shall conduct the hearing in such a manner as it sees fit and in accordance with the provisions of this Scheme. The Appeal Board shall first determine whether a ground of appeal against the Tribunal's determination or order has been established. An appeal does not entitle the Respondent to a rehearing of the Charge merely by lodging the appeal. If the Appeal Board determines that a ground of appeal has been established, it may, to the extent necessary to finally determine the matter, reconsider or rehear any part or all of the Charge, including by reconsidering evidence before the Tribunal, receiving further evidence, hearing witnesses and making findings of fact.

A party to a hearing before an Appeal Board may request and may be granted permission to appear in person or by telephone, video conference or other electronic means.

A copy of the Investigation Committee's report, and the information that the Investigation Committee relied upon in its report, are made available to the Appeal Board. In addition, the Appeal Board may call upon a representative of the Investigation Committee to a party to the proceedings before the Appeal Board.

Subject to any other requirement under this Scheme, an Appeal Board may also bring together any of the following persons to be parties to the hearings before the Appeal Board:

- the Complainant;
- the Respondent; or
- other persons including but not limited to a regulatory body or professional association.

Subject to any directions or rules of the Appeal Board, a party to the hearings before an Appeal Board may be required by the Appeal Board:

- present evidence and information; and
- make submissions (written or oral).

An Appeal Board shall be entitled to hear from any witness and review any information it so chooses. The Appeal Board shall also have the discretion to admit fresh evidence if it thinks it is appropriate, reasonable and in the interests of procedural fairness.

Article 10.3: Determinations and Orders of an Appeal Board

An Appeal Board may affirm, amend, vary or rescind any determination or order of the Tribunal and shall have all the powers vested in a Tribunal under Article 9.2. The Appeal Board shall not remit the Charge or appeal to the Tribunal or to a newly constituted Tribunal for reconsideration.

The Respondent bears the burden of establishing a ground of appeal. Where, after finding that a ground of appeal has been established, the Appeal Board reconsiders or rehears whether a Charge is substantiated, the Charge shall be substantiated only if the Appeal Board is satisfied on the balance of probabilities that the Respondent engaged in the Misconduct specified in the Charge.

A determination of an Appeal Board shall be made on a majority of votes of members.

The determination of an Appeal Board shall be final.

If a Respondent is ordered by an Appeal Board to pay costs, the Respondent shall pay these costs within 30 days of the Appeal Board's determination and order being issued to the Respondent. In the event the Respondent does not pay such costs within the specified period, the Respondent may be declared by the Chair of the Appeal Board to be a defaulter and after being so declared shall cease to be a Member (but may be reinstated upon such terms and conditions as the Council determines).

Where an Appeal Board orders a Respondent shall be suspended as a Member, and the Respondent has not already been suspended under Article 10.2, the suspension shall take effect from the date of communication of the Appeal Board's order to the Respondent.

Where the Appeal Board orders a Respondent to be expelled as a Member, the expulsion shall take effect on the date of communication of the Appeal Board's order to the Respondent.

Decisions of an Appeal Board on any of the above matters shall be made by a majority of persons appointed to the Appeal Board. If the majority of the Appeal Board decides not to amend, vary or rescind the determination and orders of the Tribunal, then the determination and orders of the Tribunal shall be deemed to have been affirmed. The Appeal Board's written report should document dissenting views within the Appeal Board.

Any determination or order of an Appeal Board shall be contained in a written report and include:

- a summary of the information relied upon;
- a brief analysis of the relevant information and reasons for the determination;
- a clear statement as to the factual findings, determination and any orders of the Appeal Board; and
- the material to be published in relation to the case, being the Case Publication.

Article 10.4: Communication of Appeal Board Determinations and Orders

An Appeal Board shall communicate its determination and orders in any proceedings to the Council by providing a copy of its written report pursuant to Article 10.3 signed by the Chair of the Appeal Board.

The Appeal Board shall provide the Respondent with its written determination and orders, including the reasons for its determination, as soon as reasonably practicable after the determination is made.

Subject to Article 13 of this Scheme, the Case Publication may be made publicly available (including but not limited to being published on the Society's website) unless the Appeal Board considers some other form of communication is more appropriate. Alternatives may include an anonymised case study or such similar publication. Where the Respondent is named in the Case Publication, the Respondent shall be provided with a copy of the Case Publication before the date of publishing. Where the final determination of the Appeal Board is that a Charge is not substantiated, any Case Publication relating to that Charge shall not identify the Respondent.

Article 11: Confidentiality

When a Complaint is made, the Council, Chair of the Tribunal and/or Chair of the Appeal Board may in their discretion request a party or person otherwise involved in any proceedings agree in writing to keep certain information regarding the Complaint and associated process confidential for a specific duration (including indefinitely). If such a request is issued and a person refuses or does not provide such written agreement, the Council, the Chair of the Tribunal and/or the Chair of the Appeal Board may elect to refrain from providing the person with certain information associated with the processes implemented in accordance with this Scheme.

So far as reasonably practicable, the identities of any parties to a Complaint will be kept confidential while the Council makes its determination at the Complaint Stage and the Investigation Stage.

Except as otherwise provided in this Scheme or directed by the Council, Chair of a Tribunal or Chair of an Appeal Board, the deliberations of the Investigation Committee, the Tribunal and the Appeal Board including, but not limited to, any records, minutes, and written reports will be confidential. Any requirement for confidentiality detailed within this Scheme will not preclude the Council, the Chair of a Tribunal or the Chair of an Appeal Board from liaising with other regulatory bodies or professional associations as may be appropriate in pursuance of this Scheme.

Article 12: Publication and Transparency

The publication of information relating to the Scheme and its operation will be consistent with and support the objective to set and uphold high professional standards amongst members as stipulated in the Constitution.

Any Case Publication relating to a matter before a Tribunal or an Appeal Board will:

- be made publicly available after a copy of the written report of determination and orders has been provided to the Council and the Respondent; and
- be published on the Society's website and in any other locations as the Council may be considered appropriate.

A Complaint that does not proceed beyond the Investigation Stage of this Scheme and is not heard by a Tribunal will not be made publicly available.

The form and content of any publication or disclosure of information under this Scheme will be determined by:

- a Tribunal in relation to any Charge or determination before the Tribunal; and
- an Appeal Board in relation to any appeal or determination before the Appeal Board.

Any publication under this Scheme shall be a publication by the Society, notwithstanding that a Tribunal or Appeal Board may determine or approve the content of a Case Publication in accordance with this Scheme.

Any publication or disclosure under this Article shall be made in accordance with the Personal Data Protection Act 2012 or its successor legislations.

Article 13: General Provisions

Article 13.1: Transitional

Unless the Respondent otherwise agrees, any Complaint made prior to the commencement of this Scheme and any appeal pending as at that date will continue to be governed by the provisions of the former scheme in force immediately prior to the commencement of this Scheme.

Article 13.2: Additional Rules, Policies and Procedures

The Council may, from time to time, make or vary such rules, policies and/or procedures (not being inconsistent with the provisions of this Scheme) as it may consider necessary for the implementation of this Scheme and for the performance by the Investigation Committee, a Tribunal and an Appeal Board of their respective functions under this Scheme. The Council may publish these rules, policies and/or procedures at its own discretion.

Article 13.3: Proceedings in General

Subject to this Scheme, the Council, Investigation Committee, a Tribunal or an Appeal Board (as the case may be) may give such directions and make rules with regard to the conduct of proceedings before it as it considers most suitable for the clarification, exploration, and determination of the issues and generally for the fair and just handling of the matter.

Article 13.4: Withdrawal of Complaint(s)

Once a Complaint is received by the Council, it remains subject to this Scheme irrespective of whether the Complainant subsequently conveys a desire to withdraw or discontinue the Complaint.

For the avoidance of doubt, the Complaint may continue to be dealt with pursuant to the processes detailed in this Scheme irrespective of the preference or desire of the Complainant.

However, the preference or desire of the Complainant should be considered in determining how the Complaint is to be managed.

Article 13.5: Custody of Records

The Council will arrange appropriate custody of the records of the Investigation Committees, Tribunals and Appeal Boards (including the past records).

The Council will maintain a confidential register containing summary details of finalised Complaints, Charges and appeals with the object of promoting consistent outcomes while remaining compliant with the requirements of the Personal Data Protection Act 2012. The register may be made available to members of a Tribunal or an Appeal Board upon request.

Article 13.6: Former Members

For the purposes of this Scheme, references to a Respondent will include a former Member who has ceased to be a Member before a Complaint was made. Any Misconduct committed while that person was a Member remains within the scope of this Scheme.

Any such former Member will remain bound to supply such information and explanations as may be required by the Investigation Committee, a Tribunal or an Appeal Board regarding that person's conduct. Any such former Member may decline such requirement to supply information or explanations if doing so may cause the former Member to breach the Standard of Professional Conduct, especially provisions related to the Member's duty to confidentiality and to comply with applicable laws.

Any such former Member will remain bound by any determinations of the Tribunal or Appeal Board in respect of any Misconduct committed while that person was a Member notwithstanding the person's membership has ceased.

Version Control

Version Number	Effective Date	Remarks
Unspecified	29 Jul 1999	Initial version
Unspecified	17 Mar 2006	Amendments to fulfil requirements necessary for SAS' admission to IAA as Full Member.
3.0	xx April 2027	Comprehensive review